IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WA.No. 2143 of 2006(E)

AGAINST THE JUDGEMENT/ORDER IN WPC.368/2004 Dated 13/07/2006
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APPELLANT: RESPONDENT NO.5

T.A.JOHN, S/O. T.D.AUGUSTINE,
LECTURER, DEPARTMENT OF ECONOMICS,
NIRMALAGIRI COLLEGE, NIRMALAGIRI P.O.,
KANNUR DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS: PETITIONER & RESPONDENT NO.1 TO 4
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1. DEVASSIA M.D.,
LECTURER, DEPARTMENT OF ECONOMICS,
NIRMALAGIRI COLLEGE, NIRMALAGIRI P.O.,
KANNUR-670 701.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOZHIKODE.

4. NIRMALAGIRI COLLEGE,
NIRMALAGIRI COLLEGE P.O., THALASSERY,
REP. BY ITS MANAGER.

5. THE KANNUR UNIVERSITY,
REP. BY ITS REGISTRAR.

BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR
SRI.B.PRAMOD
GOVERNMENT PLEADER SRI.SANDESH RAJA
SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.

W.A.NO. 2143 OF 2006

Dated this the 27th day of February, 2007

J U D G M E N T

P.R.Raman, J.

The fifth respondent in the writ petition, is the appellant herein. The only grievance expressed by him is that he had already filed writ petition as WP(c) No.39958/2003 against Ext.P5 and while that writ petition is pending, the petitioner herein sought to implement Ext.P5 by filing the writ petition, which was allowed by the learned Single Judge as a result it may lead to an anomalous situation, in case the writ petition filed by the appellant is allowed. We cannot agree. It is true that the appellant herein has preferred a writ petition as WP(c) No.39958/2003. But no stay was granted. As such, nothing stands in the way of implementing Ext.P5 order and such implementation during the pendency of the writ petition will not affect his right or contentions therein. The learned Single Judge in such circumstances, directed the concerned respondent to

implement Ext.P5, without prejudice to the contention raised by the appellant herein in the other writ petition. We, however, clarify that while conferring the benefit pursuant to the judgment in question, it shall be made clear that the same will be provisional and subject to the result in WP(C) No.39958/2003.

Writ appeal is disposed of accordingly with the above clarification.

P.R.RAMAN, JUDGE

ANTONY DOMINIC, JUDGE

Rp